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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,290	08/24/2000	Hiroyuki Maeda	OPS Case 500	5582

7590 11/28/2006
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2026 Rambling Road
Kalamazoo, MI 49008-1699

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,290

Applicant(s)

MAEDA, HIROYUKI

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The supplemental responses are not entered as a matter of right (37 CFR 1.111 (a)(2)(ii)). In view of this the amendment filed on 9-6-06 has not been entered and the office action is in response to the amendment filed 7-17-06.

Claim Rejections - 35 USC § 112

2. Claims 27-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification on page 13 discloses that the after the actual speed of the vehicle is less than the target speed the braking control signals are no longer output. This would make sense since the desired speed has been attained. The specification does not disclose that the comparison is also ended. Ending the comparison does seem to make sense because if the actual speed once again overcomes the desired speed that safety hazard would re-appear and there would be no way to slow the vehicle.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27, 28, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman et al., 6675081, in view of Tognazzini, 5771484.
3. Shuman et al. disclose a receiver provided on said vehicle which receives said transmitter signal and outputs a control signal based on reception of the transmitter signal outputted by the transmitter(262); said automatic braking device receiving said control signal and operating an antilock control device of said vehicle independent of additional transmitter signals being received from said transmitter, said automatic braking device being operated based on receipt of the control signal in order to operate an automatic brake wherein a braking fluid is obtained by driving a pump of said automatic braking device to supply said braking fluid to wheel brakes provided in at least a pair of right and left wheels to produce a braking force, so that said antilock control device is operable during the operation of the automatic braking device on lines 14-19, on column 7, line 63, on column 11, through line 2, on column 12, and lines 38-43, on column 22; reference value setting means provided in the vehicle by which said reference value corresponding to said target traveling speed is set, and wherein the automatic braking device is operated according to the reference value set by the reference value setting means based on the control signal on lines 28-32, on column 13, and lines 39-56, on column 22; traveling speed detection means provided in the vehicle for detecting said actual traveling speed of the vehicle based on the control signal and outputting an output signal so as to operate the automatic braking device until the output signal reaches a value corresponding to the target traveling speed of the vehicle without additional transmitter signals on lines 38-43, on column 22; an alarm unit

being provided which generates an alarm to the inside of the vehicle based on the control signal outputted by the receiver based upon receipt of said transmitter signal transmitted from said transmitter on lines 29-36, on column 7; and manual brake actuator on line 50, on column 16.

Shuman et al. do not disclose at least one detection means provided adjacent to the road for detecting a danger state and outputting a detection signal based on detection of said danger state; a transmitter provided adjacent to the road which receives said detection signal and transmits a transmitter signal formed of an electromagnetic wave based on the detection signal; and the transmitter is placed near a tunnel opening.

Tognazzini teaches at least one detection means provided adjacent to the road for detecting a danger state and outputting a detection signal based on detection of said danger state on lines 52-60, on column 2; and a transmitter provided adjacent to the road which receives said detection signal and transmits a transmitter signal formed of an electromagnetic wave based on the detection signal on lines 15-16, on column 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sensor system of Tognazzini in the invention of Shuman et al. because such modification would provide the content services as disclosed on lines 50-53, on column 18 that Shuman calls for.

Shuman et al. and Tognazzini do not disclose the transmitter is placed near a tunnel opening. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to place the transmitter near a tunnel opening because it is a design choice.

Response to Arguments

1. Applicant's arguments filed 7-17-06 have been fully considered but they are not persuasive.
2. Even though the references cited disclose that the reference value may be set to varying values, the preference still reads on the invention as claimed. The claims do not limit the reference value to only one value. Many of the arguments presented are not germane since they do not relate to what is claimed. Also, although applicant is now claiming that the comparison is ended when the target speed is reached, this is not how it is originally disclosed. The original disclosure simply states that the operation signals are no longer sent once the vehicle speed reaches the target speed.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600.



BJB

November 27, 2006



THOMAS BLACK
SUPERVISORY PATENT EXAMINER